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Chairperson: Mr. Rivas Posada

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07-27674 (E)

The meeting was called to order at 11.25 a.m.

Organizational and other matters (*continued*)

Recommendations for the strengthening of follow-up activities (CCPR/C/88/CRP.1)

1. **Mr. Gillibert** (Secretary of the Committee) recalled that at its eighty-sixth session the Committee had decided to establish an informal intersessional working group to formulate recommendations for the reinforcement of follow-up activities on both concluding observations and Views. The background paper and recommendations prepared by the working group (CCPR/C/88/CRP.1) described the development of the Committee's practice with regard to follow-up and made a number of recommendations that would result in a change from a largely quantitative approach to a more analytical and qualitative approach; that would require the Committee to spend more time on follow-up and likewise require the Secretariat to allocate additional resources to follow-up. The document had first been submitted to the Committee in October 2006, at its eighty-eighth session, but there had been insufficient time for discussion.

2. **Mr. Shearer**, speaking on behalf of the working group, introduced the recommendations set out in the background paper. Part E contained recommendations common to follow-up to both Views and concluding observations. More time should be devoted to the consideration of interim follow-up reports and reports on concluding observations during the Committee's sessions. A press release on follow-up activities should be considered and those activities should be indicated during the press conference at the end of each session. Consultations with States parties should, to the extent possible, be held jointly and, as part of the Committee's public outreach, the periodic meetings of States parties could be used to draw attention to the future of certain States to implement the Committee's Views and/or concluding observations and to cooperate with the Special Rapporteur for follow-up on Views. Resources should also be set aside for at least one follow-up mission per year to a State party, which could be timed to coincide with the reporting process. The criteria for selecting a State party for a follow-up mission were also defined.

3. With regard to follow-up to individual complaints (part F), the working group recommended increasing to six months the deadline for a response from the State party. The current chart on follow-up received to date for all cases of violations of the Covenant, included in chapter VI of the Committee's annual report, could perhaps be expanded to include more categories, in addition to "satisfactory response" and "unsatisfactory response", so as to take into account cases where, for example, the State party submitted a reasoned rebuttal of the Committee's Views. In intersessional periods, if time was an issue, the Special Rapporteur for follow-up on Views could take a decision, based on information received from a State party, on whether its response was satisfactory or not, and distribute an interim report to Committee members. Finally, the working group recalled the need for the Committee, as a quasi-judicial body, to bear in mind the outcome document of the Nairobi Judicial Colloquium on the Domestic Application of International Human Rights Norms, which had stressed that treaty bodies should ensure their decisions were transparent and well-reasoned.

4. In part G, on follow-up to concluding observations, the working group recommended that the report of the relevant Special Rapporteur should be more detailed and that the Committee should reconsider the length of time given to the State party to implement the Committee's recommendations, since legislative reform, for example, was a lengthy process, whereas a recommendation of a more administrative nature could be implemented relatively quickly. The Secretariat file on concluding observations should be made more user-friendly and all related documents and information should be available on the Committee website. There should be a more qualitative analysis of State party responses, and, if necessary, between sessions, the Special Rapporteur for follow-up on concluding observations could distribute to members an interim report and recommendation on whether the response was satisfactory or not. Finally, non-governmental organizations (NGOs), in particular national NGOs, should be encouraged to provide regularly updated information on the implementation of the Committee's recommendations.

5. **The Chairperson** said that, in his previous capacity as Special Rapporteur for follow-up on concluding observations, he felt the Committee's report should contain more information on follow-up activities. In addition to providing information on whether and when the State party had responded to the Committee's recommendations, it should contain a

more detailed analysis of why the State party's response was considered satisfactory or unsatisfactory, based, inter alia, on whether it had responded to the specific concerns and requests for information expressed in the Committee's concluding observations. It would also be very useful to encourage NGOs, especially national NGOs, to supply information on the implementation of the Committee's recommendations; otherwise, the Committee had to rely solely on the information provided by the State party. Finally, the length of time set by the Committee for a response to its recommendations should be flexible and vary according to the nature of the recommendation.

6. **Mr. O'Flaherty**, while welcoming the proposals contained in document CCPR/C/88/CRP.1, said he wished to make specific comments on a number of recommendations. Referring to the second subparagraph of part E, he observed that the way in which the Committee engaged with the media was crucial to the effectiveness of its work. Accordingly, and in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Committee should develop a media strategy encompassing, inter alia, the realm of electronic media.

7. While he agreed with the gist of the third subparagraph, namely, that consultations with States parties on follow-up to Views and concluding observations should be held jointly, the relevant country rapporteur and members of the country task force should also be invited to participate in such consultations. As for the fourth subparagraph, he thought it unlikely that there would be a detailed discussion at the periodic meetings of States parties on the failure of certain States to implement the Committee's Views and/or concluding observations. He therefore suggested referring to specific cases of non-compliance in the letter transmitting the Committee's annual report to the General Assembly.

8. He supported the recommendation set out in the fifth subparagraph, but pointed out that the relevant country rapporteur and members of the country task force should also be invited to participate in follow-up missions. In that connection, unsolicited invitations from States parties should also be included in the list of selection criteria.

9. Turning to the recommendations set out in part G of the document, he stressed the critical importance of the qualitative analysis mentioned in the fourth subparagraph, and endorsed the proposed methodology. Referring to the fifth subparagraph, he proposed the inclusion of two additional categories of actors, namely, national institutions and United Nations system agencies, in particular OHCHR field offices.

10. In more general terms, he pointed out that Committee members should routinely be invited to national and regional follow-up meetings organized by OHCHR. The Secretariat should also ensure that copies of the Committee's annual report, concluding observations and responses to those observations were transmitted to members as a matter of course. Lastly, in the context of any discussion of strengthening follow-up procedures, the Committee must also reflect on how best to guide the Human Rights Council regarding its use of treaty body inputs.

11. **Sir Nigel Rodley** endorsed the remarks made by Mr. O'Flaherty. As far as media relations were concerned, the Committee should give regular press briefings, especially on the more newsworthy aspects of its work. He could not overemphasize the need for a serious media strategy, which should involve not only OHCHR but also the Department of Public Information (DPI) and the Secretary-General's Director of Communications.

12. With reference to Mr. Shearer's proposal to add to the categories in the chart on follow-up, he wondered whether it would be more appropriate to leave room for a paragraph describing the precise state of affairs in a particular State party.

13. **Mr. Pérez Sánchez-Cerro**, referring to the second subparagraph of paragraph 6 of the Spanish version of document CCPR/C/88/CRP.1, proposed replacing the Spanish term "*estima*" with either "*señala*", "*determina*" or "*establece*", since the latter were rather more forceful.

14. Although past experience had shown that 90 days were generally insufficient for States parties to provide adequate follow-up information, it was not necessarily advisable to extend that period to six months. He suggested retaining the original 90-day deadline but providing for the possibility, upon request, of a 90-day extension. The Committee must emphasize the importance of timely follow-up to its Views and concluding observations, especially in cases involving the award of compensation or the release of unlawfully sentenced persons.

15. Lastly, and with reference to the fifth subparagraph of part G, it was essential to ensure that NGOs worked in partnership with the Committee to enhance the effectiveness of State party follow-up.

16. **Ms. Wedgwood** reiterated the potential benefits of disseminating audio recordings of the Committee's proceedings to interested parties, including podcasts. Such recordings would certainly be of benefit to citizens of small, autocratic countries who were not accustomed to hearing their Governments questioned, and, to outsiders, the drama inherent in the questioning process itself was far more appealing than the final written record of the proceedings. Ultimately, members of civil society were the most effective monitors of State party compliance with the Covenant. In that regard, she wondered whether NGOs were notified of country task force meetings sufficiently in advance to enable them to submit their contributions.

17. The Committee could also set up a listserv (electronic mailing list service) to disseminate information about its activities to an unlimited number of subscribers. To date, it had been up to interested parties to request specific information from the Committee, but it was time to take a more proactive approach, particularly since news stories had a very limited shelf life. In that connection, the daily noon briefing at United Nations Headquarters might be an appropriate forum in which to engage with members of the international press who specialized in United Nations-related news. The Committee should also consider preparing concise, written press releases to ensure that its views were accurately represented by the media.

18. With regard to the Committee's website, she suggested posting any supplementary information submitted by States parties in connection with the presentation of their country reports. The inclusion of short, country-specific lists of unresolved cases of human rights violations might also be an effective way of drawing attention to the Committee's work.

19. **Mr. Lallah** stressed the need to mainstream follow-up activities into the day-to-day work of the Committee. As part of that effort, and despite the fact that such a procedure would require additional Secretariat support, the Special Rapporteurs for follow-up on Views and concluding observations should report on relevant developments at each session, rather than once a year. He also suggested devoting greater attention to those issues in the annual report.

20. Turning to the fourth subparagraph of part E of document CCPR/C/88/CRP.1, he expressed doubts as to the practicality of the approach suggested, particularly since members of the Committee did not usually attend meetings of States parties. With reference to the fifth subparagraph of part E, he welcomed the proposal to institutionalize follow-up missions to States parties, and endorsed the relevant remarks made by Mr. O'Flaherty and Sir Nigel Rodley.

21. Further to Ms. Wedgwood's comments, he said that not just small countries, but all countries would benefit from hearing their Governments being questioned on their observance of human rights. He agreed that the Committee should make its work better known through the media. He supported all of Mr. O'Flaherty's and Sir Nigel Rodley's remarks.

22. **Mr. Schmidt** (Team Leader, Petitions Unit) said that in 2006, OHCHR had set up a communications section, which was in the process of developing a media strategy and would be interested in incorporating the follow-up mechanisms of the treaty bodies, including those of the Committee; he therefore invited the Committee to hold discussions with the head of the communications section at its next session. DPI regularly issued an end-of-session press release on the Committee's concluding observations and on noteworthy decisions taken under the Optional Protocol; since the previous year, examples of good follow-up practices had also been included where possible. Those press releases were submitted to the OHCHR and DPI press offices, which fashioned them in a way that was interesting to the public at large. The European Union had financed training on follow-up to treaty body outputs for representatives of national human rights institutions (NHRIs), NGOs and the media from a number of developing countries. That project was nearing completion and media representatives were thus far reported to have used their training to positive effect.

23. NHRIs were often involved in follow-up activities: the National Human Rights Commissions of Sri Lanka and Kenya, for instance, had contributed to the follow-up replies to the concluding observations on their countries' periodic reports. OHCHR and United Nations agencies had a field presence, but could not always act as publicly as the Committee wished and

furthermore had to ensure that follow-up activities did not encroach on their mandate.

24. As far as audio recordings and podcasting were concerned, the Committee, if interested, should put in a request and the cost of such a project would be estimated, as the financial implications were not insignificant. For the time being, in Geneva, preference had been given to webcasting of Human Rights Council meetings.

25. Referring to Ms. Wedgwood's remark, he stressed that NGOs were informed of country task force meetings sufficiently in advance.

26. Unsolicited invitations for follow-up visits had never been received from any Government, and were unlikely to occur in the future, unless they came from a State party whose follow-up record was exemplary. In that connection, one country had been selected for a follow-up mission: the Democratic Republic of the Congo, which had the worst record of compliance under the follow-up procedure, never having filed a single submission to date. Finally, follow-up missions were now being budgeted, and allowance has made for one follow-up visit per year.

27. The vast majority of States parties requested an extension of the 90-day deadline for follow-up submissions in order to produce detailed replies; that was especially true of federal States, which had to collect information from their component elements. Whether the time allowed for submissions should be increased was a matter for debate.

28. OHCHR had a listserv via which the concluding observations of the Committee and other treaty bodies, and the jurisprudence of treaty bodies under individual complaints, were sent out; interested Committee members should contact the Secretariat for further information.

29. **Mr. O'Flaherty** said he was appalled to learn that a media strategy was in development without the Committee's involvement. The Committee's inputs should be integral to every level of such a process, and if the strategy was already well-advanced, as he had understood from Mr. Schmidt's comments, OHCHR had been remiss in failing to engage with a key constituent for the purposes of that strategy.

30. He wondered if Ms. Wedgwood's proposal regarding recordings had perhaps been misunderstood, as it was not necessary to have visual or live transmissions of Committee meetings; rather, the flexibility of podcasting obviated a number of concerns raised by Mr. Schmidt, inter alia concerning financial implications, which were modest. With regard to the role of human rights field presences in the follow-up to concluding observations, he called into question the argument of sensitivity, which applied mainly to monitoring, rather than capacity-building; follow-up to concluding observations was classically in the realm of capacity-building. The mandates were indeed carefully negotiated with the host States and, unless that was already the case, he suggested that the High Commissioner should, as a matter of policy, seek to ensure that follow-up to concluding observations of all treaty bodies was an integral part of the work of field presences.

31. He welcomed the mailing he had received very recently from the listserv mentioned by Mr. Schmidt. However, at the end of the Committee's session, the Secretariat should send members the Committee's concluding observations.

32. **Sir Nigel Rodley** said that he had not received any press releases relating to communications and suggested that the Secretariat should also send those to Committee members. When individual communications were made public, certain members or the Special Rapporteur for follow-up on individual cases should be available to respond to questions from the press. He was strongly in favour of holding country hearings at the Palais des Nations rather than at the Palais Wilson, where the press was less present. The Committee should review the secrecy in which it alone among treaty bodies kept membership of task forces and rapporteurs. Finally, a rule of procedure was possibly needed to make clear that the Committee was flexible regarding the number of meetings it allocated to consideration of State party reports, in order to avoid such situations as had arisen in the past, in which States parties had refused to attend more than two meetings.

33. **Ms. Wedgwood** said that in her previous comment, she had had in mind such specialized listservs as "MaximsNews", which reached tens of thousands of people interested in the United Nations' work. In that connection, she suggested setting up a listserv for the leading political reporters in the major capitals of the world. Furthermore, perhaps the fact of grouping communications together in a press release

made them appear less newsworthy, and their presentation might be reviewed.

34. With regard to podcasting, she agreed with Mr. O'Flaherty that it ought to be fairly inexpensive, especially if, as she suggested, the files were uploaded in just English, French and Spanish. If that was not feasible, she wondered if making the recordings available to websites dedicated to international issues might be an option. Finally, she suggested that the Committee should perhaps devise its own media strategy in order to give its work the prominence it believed that it deserved.

35. **Mr. Iwasawa** said that the end-of-session press releases on the Committee's concluding observations were very important and should therefore be distributed via the OHCHR listserv. He was not sure whether visual material existed for university or high school education, but, if not, he suggested that a 20- to 30-minute video on the Committee's work should be made at reasonable cost.

36. **Mr. Schmidt** (Team Leader, Petitions Unit) reiterated that the communications section had been set up only very recently; while it was aware of the importance of the work of treaty bodies and was willing to incorporate those bodies' views, it simply had not had an opportunity to enter into a direct dialogue with all of them. He was not prepared to discuss in open session whether or not field presences should publicly engage in follow-up activities but said the question was open to debate. While terms of reference were carefully negotiated, it did happen that Governments requested their renegotiation. He agreed that the Committee's concluding observations should be sent to all members as soon as they had been adopted. Referring to Mr. Iwasawa's suggestion, he hoped that all new Committee members would soon receive a copy of the DVD on treaty body activities, produced in autumn 2006, which had already received positive feedback from a number of educational institutions.

37. **The Chairperson** suggested that those members interested in formulating concrete proposals based on the Committee's discussion, together with a provisional timetable for their implementation, should submit them to Mr. Shearer for subsequent forwarding to the new Special Rapporteur for follow-up on concluding observations, once designated.

38. **Sir Nigel Rodley** commended the work that had gone into the background paper and suggested that it should be made public, since it had already been discussed extensively in public session.

39. **Mr. O'Flaherty** supported derestricting the paper, but suggested that the current draft should be edited to take into account the Committee's discussions at the previous session and at the current session.

40. **Mr. Shearer** thanked Committee members for their helpful comments and endorsed Mr. O'Flaherty's suggestion. He noted that there was agreement on several points, including making the document public. In view of the importance given to relations with the media and the outside world, he wondered, especially in the context of the new OHCHR communications section, whether proposals regarding the media should constitute a separate document.

41. **The Chairperson** welcomed Mr. Shearer's suggestion.

The meeting rose at 1 p.m.